

AN ACT

relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.356, Occupations Code, is amended to read as follows:

Sec. 51.356. DEFERRED ADJUDICATION; LICENSE SUSPENSION, LICENSE REVOCATION, OR DENIAL OR REFUSAL TO RENEW LICENSE. (a) The commission may deny, suspend, revoke, or refuse to renew a license or other authorization issued by a program regulated by the department if:

(1) ~~[the commission determines that a deferred adjudication makes]~~ the person holding or seeking the license received deferred adjudication for:

(A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

(B) an offense other than an offense described by Paragraph (A) if:

(i) the person has not completed the period of deferred adjudication or the person completed the period of deferred adjudication less than five years before the date the person applied for the license; or

(ii) a conviction for the offense would

1 make the person ineligible for the license by operation of law; and
2 (2) the commission determines that the deferred
3 adjudication makes the person unfit for the license.

4 (b) In making a determination under Subsection (a)(2)
5 ~~[(a)]~~, the commission shall consider the factors set forth in
6 Sections 53.022 and 53.023 and the guidelines issued by the
7 department under Section 53.025.

8 SECTION 2. Section 53.021(d), Occupations Code, is amended
9 to read as follows:

10 (d) A licensing authority may consider a person to have been
11 convicted of an offense for purposes of this section regardless of
12 whether the proceedings were dismissed and the person was
13 discharged as described by Subsection (c) if:

14 (1) the person was charged with:
15 (A) any offense described by Article 62.001(5),
16 Code of Criminal Procedure; or

17 (B) an offense other than an offense described by
18 Paragraph (A) if:

19 (i) the person has not completed the period
20 of supervision or the person completed the period of supervision
21 less than five years before the date the person applied for the
22 license; or

23 (ii) a conviction for the offense would
24 make the person ineligible for the license by operation of law; and

25 (2) [7] after consideration of the factors described
26 by Sections 53.022 and 53.023(a), the licensing authority
27 determines that:

1 (A) [~~(1)~~] the person may pose a continued threat
2 to public safety; or

3 (B) [~~(2)~~] employment of the person in the
4 licensed occupation would create a situation in which the person
5 has an opportunity to repeat the prohibited conduct.

6 SECTION 3. The change in law made by this Act applies to an
7 application for a license or other authorization that is filed, or a
8 proceeding to revoke or suspend a license or authorization that is
9 commenced, on or after the effective date of this Act.

10 SECTION 4. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 1659 was passed by the House on May 8, 2013, by the following vote: Yeas 144, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1659 on May 24, 2013, by the following vote: Yeas 143, Nays 0, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1659 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 21, Nays 10.

Secretary of the Senate

APPROVED: _____

Date

Governor